

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/932,870
Applicants: Andrew W. Buffmire and George A. Mealey
Filed: August 17, 2001
Title: INTRINSIC PAVEMENT TRANSMITTER AND ANTENNA
T.C./A.U.: 2614
Examiner: Lisa Hashem
Confirmation No.: 6579
Docket No.: 182480-0002

[FILED ELECTRONICALLY NOVEMBER 24, 2008]

SUPPLEMENTAL FILING CONFIRMING SUBSTANCE OF
TELEPHONIC INTERVIEW CONDUCTED ON 17 OCTOBER 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following remarks are provided in response to and as requested by the Interview Summary mailed on October 22, 2008. Please file and include these remarks within the file of this pending application.

- ☐ **Amendments to the Specification** begin on page of this paper.
- ☐ **Amendments to the Claims** are reflected in the listing of claims which begins on page of this paper.
- ☐ **Amendments to the Drawings** begin on page of this paper and include enclosed replacement sheet(s).
- ☐ **Amendments to the Abstract** are on page of this paper. A clean version of the Abstract is enclosed.
- ☒ **Remarks/Arguments** begin on page 2 of this paper.

Remarks:

In response to, and as requested by the Interview Summary, mailed October 22, 2008, Applicants have reviewed the Interview Summary and confirms the substance of the telephonic interview conducted between counsel for the Applicants and Examiner Lisa Hashem. More particularly, the newly amended and revised claim 1 was discussed during the October 17, 2008 telephone interview, in relation to the cited prior art. Examiner Hashem acknowledged during the interview that with the limitations added to Claim 1, being the language “wherein the intrinsic material does not include any conductive wires,” and the language “there are no conductive wires within the intrinsic pavement material that connect the first transmitter/receiver and the second transmitter/receiver,” it appeared that Claim 1 no longer read upon and was distinguished from the cited prior art. These limitations have been incorporated into independent Claim 1 and Claim 6 as filed in the pending Request for Continuing Examination (“RCE”).

As previously noted in the filed RCE, pending claims 1 through 15 have been amended directly (or indirectly through an amendment to the two independent claims) to place the application in better condition for examination and allowance. Applicants respectfully contend that the rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103 should be withdrawn. Favorable action is earnestly solicited.

Finally, the Examiner is invited to call Applicants’ undersigned representative if any further action will expedite the prosecution of the application or if the Examiner has any suggestions or questions concerning the application or the present Response. In fact, if the claims of the application are not believed to be in full condition for allowance, for any reason, applicants

respectfully request the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP § 707.07(j) or in making constructive suggestions pursuant to MPEP § 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

/Kevin W. Goldstein/
Kevin W. Goldstein, Reg. No. 34,608
Attorney for Applicants

KWG:kak

Dated: November 24, 2008

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☒ The Commissioner for Patents is hereby authorized to charge payment for any additional fee which may be required or to credit any overpayment to Deposit Account No. **502951**.

☒ Any response in this application requiring a petition for extension of time, but failing to include one, should be treated as though it does include the required petition for extension of time.